

ASSEMBLY BILL

No. 2235

Introduced by Assembly Member Hagman

February 24, 2012

An act to add Section 610.5 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2235, as introduced, Hagman. Public utilities: inverse condemnation.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. The Public Utilities Act authorizes public utilities that are under the regulatory authority of the commission to condemn any property necessary for the construction and maintenance of utility services by the utility.

This bill would authorize an owner of property to seek compensation for any substantial reduction in the value of the property proximately resulting from the building, expansion, or operation of a plant, line, pipeline, or other facility by a public utility. The bill would provide that the evidentiary rules and rules of civil procedures applicable to inverse condemnation actions would apply to such an action.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 610.5 is added to the Public Utilities
- 2 Code, to read:

1 610.5. The owner of property make seek compensation for any
2 substantial reduction in the value of the property proximately
3 resulting from the building, expansion, or operation of a plant,
4 line, pipeline, or other facility by a public utility. In any action
5 brought pursuant to this section, the evidentiary rules and rules of
6 civil procedures applicable to inverse condemnation actions shall
7 apply, including Sections 1036, 1245.260, 1263.530, and 1268.311
8 of the Code of Civil Procedure and Section 822 of the Evidence
9 Code.

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